

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – Adilabad District – Revision Petition filed under section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 by Smt.Vadai Tursubai W/o Late Poshetty, and 3 others R/o Kerameri (V&M), Adilabad District against the orders of the Additional Agent to Government, Utnoor in proceedings No:A4/LTR/6/91 dt:6-3-2007 – Dismissed – Orders – Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O Ms.No.221

Dated:21-11-2008.

Read the following:

1. From Sri Y. Ashok Raj, Counsel for the petitioner in Revision Petition dt: 27-7-2007.
2. Government Memo No.5518/LTR-2/2007 dt:23-8-2007.
3. From the PO ITDA, Utnoor in Lr.No:A4/06/1991 dt:5-10-2007.
4. Government Memo No.5518/LTR-2/2007 dt:24-3-2008 and 17-6-2008.

ORDER:

In the reference 1st read above Smt. Vadai Tursubai has filed a Revision Petition before the Government against the orders of the Addl. Agent to Government in proceedings No:A4/LTR/06/1991, dated:6-3-2007 in respect of lands admeasuring Acres 7.10 guntas in Sy.No:94/106/A situated at Kerameri (V&M), Adilabad District. The main grounds of the appellant in the Revision Petition among others are as here under:-

- i. Late Hanumanthu i.e. father-in-law of Smt Vadai Tursubai and father of Sri Vadai Peda Gangaram, Sri Vadai Sudarshan and Sri Vadai Ramchander purchased the land in sy.No.94/106/A measuring Acres 7.10 guntas situated at Kerameri (V&M) of Adilabad District from a non-tribal pattedar viz, Ershad Hussain prior to 1963. Since, they have been in possession and enjoyment and paying land revenue to the Government. After the death of Hanumanthu, the land devolved on the revision petitioners.
- ii. The Special Deputy Collector (TW), Utnoor did not consider the fact of petitioner purchasing the land from non-tribal pattedar prior to 1963. The Additional Agent to Government and Project Officer, ITDA, Utnoor also confirmed the same order. The Mandal Revenue Officer, Kerameri reported it as patta land but Special Deputy Collector (TW) mentioned it as Government land.
- iii. They were entitled for possession and enjoyment on the subject land as per contents of G.O MS. No.129 of 1978.
- iv. The entries in the solitary pahani of 1989-90 were got managed and number of pahanies earlier thereto, show their names and of vendor Ershad Hussain.
- v. Since the transaction took place prior to 1963 between the non-tribals, the case is not hit by Land Transfer Regulation.

2. The brief facts of the case are that Sri Giri Yadav S/o Ananda Rao (Andh.) Scheduled Tribe, R/o Kerameri (V&M), Adilabad District was a pattedar for Acres 7.10 guntas dry land in Sy.No.94/106/A of Kerameri (V), by way of 'D' Form patta i.e. Government land assigned to Tribals. The Mandal Revenue Officer, Kerameri had reported to the Special Deputy Collector (TW), Utnoor that as per the pahani for the year 1989-90, the patta land of Sri Giri Yadav, S.T was being cultivated by Non-Tribals i.e. S/Sri Vadai Posetty, Vadai Sudershan and Vadai Ramchander, all sons of Sri Hanumanthu. The Special Deputy Collector (TW), Utnoor after conducting detailed enquiry, duly issuing notices to both parties concluded that the version of non-tribals, that they had purchased the said land from one Sri Ershad Hussain prior to 1-12-1963, in absence of any valid documents, is null and void and deserves no consideration. Accordingly he passed orders in his proceedings No.TWA1/836/90, dt:31-1-1991 for the ejection of the above said non-tribals from the land in Sy.No.94/106/A, extent 7.10 guntas situated at Kerameri (V&M) and restore it to the Tribal petitioner Sri Giri Yadav. Aggrieved by the orders of the Special Deputy Collector (TW), Utnoor, Sri V.Posetty and 3 other Non-Tribals had filed an appeal before the Additional Agent to Government & PO ITDA, Utnoor. The Additional Agent to Government, after hearing the case, relied upon the records of the Special Deputy Collector (TW), Utnoor in absence of any documentary proof produced by the Appellants therein, and dismissed the appeal petition in his proceedings No.A4/LTR/06/91, dt:6-3-2007. Aggrieved by the above orders of the Additional Agent to Government, Smt V.Tursu Bai W/o Poshetty and 3 others fled the present Revision Petition before the Government. Stay of operation of the proceedings of the Additional Agent to Government, Utnoor dt:6-3-2007 has been granted and the remarks and records have been called for from the Additional Agent to Government.

3. In the reference 3rd read above, the Addl. Agent to Government, Utnoor had furnished parawise remarks and case records. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 27-3-2008, and the case was finally heard on 30-6-2008. The petitioner was absent and the Counsel for the petitioner was present and argued the case corroborating the grounds in the Revision Petition.

4. After examination of the case records of both lower and appellate authorities, grounds mentioned in the Revision Petition, and keeping in view of the Para-wise remarks furnished by Additional Agent to Government and PO ITDA, Utnoor, it is found that :-

- a. The petitioners had submitted neither any documentary evidence in support of their claim that they purchased the land through an agreement of sale prior to 1963 from another non-tribal viz., Ershad Hussain nor pahanies for the crucial period, before the Special Deputy Collector (TW) and Addl. Agent to Government, Utnoor.
- b. Since the names of late Vadai Poshetty i.e. husband of Smt. Vadai Tursubai and brother of Sri Vadai Peda Gangaram, Sri Vadai Sudarshan and Sri Vadai Ramchander were found in pahani of 1989-90, the Mandal Revenue Officer, Kerameri reported the fact of their illegal occupation to the Special Deputy Collector (TW) for necessary action under Land Transfer Regulation provisions.
- c. As the Government Land was assigned patta to the tribals, the Mandal Revenue Officer reported as patta land of tribals.
- d. The G.O Ms.No.129, dt:1-8-1979 was quashed by the Hon'ble High Court of Andhra Pradesh in W.P No.1755/80.
- e. Hence the only Contention of the petitioners that they purchased the land under dispute through an agreement of sale prior to 1963 without any documentary evidence is not acceptable as per law. The burden of proof lies with the non-tribal petitioner only.

5. Government, after careful examination of the case records, concluded that the Revision Petition is devoid of merits, and accordingly dismiss the Revision Petition. The stay granted in Memo No.5518/LTR-2/2007, dated:23-8-2007 become inoperative.

6. The Collector, Adilabad District / Additional Agent to Government, Utnoor is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. Secretary to Government.

To

The Collector, Utnoor, Adilabad District.

(With RPAD of the following records)

1. Case File No: TWA1/836/90 Containing CFP 56, NFP 4, Total pages 60 only.
2. Case File No: A4/LTR/06/1991 containing CFP 244 pages only.

The Special Deputy Collector (TW), Utnoor, Adilabad.

The Addl. Agent to Government and PO ITDA Utnoor, Adilabad.

Sri Vadai Tursubai W/o Late Poshetty,

R/o Kerameri (V&M), Adilabad District.

Sri Vadai Peda Ganga Ram S/o Hanmanthu,

R/o Kerameri (V&M), Adilabad District.

Sri Vadai Sudarshan S/o Hanmanthu,

R/o Kerameri (V&M), Adilabad District.

Sri Vadai Ramchander S/o Hanmanthu,

R/o Kerameri (V&M), Adilabad District.

Sri Y. Ashok Raj, Advocate

H.No.5-9-22/44 F.3 Adarshnagar, Hyderabad.

Copy to the P.S. to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER